

APPLETON PAPERS INC. and
NCR CORPORATION,

Plaintiffs,

V.

GEORGE A. WHITING PAPER
COMPANY, et al.,

Defendants.

No. 08-CV-00016-WCG

**DECLARATION OF KARL S. LYTZ IN SUPPORT OF
DEFENDANTS' / COUNTERCLAIM-PLAINTIFFS' MEMORANDUM OF LAW IN
OPPOSITION TO NCR CORPORATION'S MOTION *IN LIMINE* TO EXCLUDE
EVIDENCE ON DEFENDANTS' CLAIM THAT NCR, THROUGH ITS OWN ACTS,
ARRANGED FOR THE DISPOSAL OF A HAZARDOUS SUBSTANCE**

I, Karl S. Lytz, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and admitted to practice before this Court. I am an partner with the law firm of Latham & Watkins LLP, attorney for Defendants and Counterclaimants Georgia-Pacific Consumer Products LP (f/k/a Fort James Operating Company), Fort James Corporation, and Georgia-Pacific LLC (collectively, "Georgia-Pacific"). I have personal and first-hand knowledge of each of the matters set forth herein, and, if called and sworn as a witness, I can and will testify competently thereto. I make this declaration in support of Defendants' Opposition to NCR's Motion *In Limine*, Dkt. #1311.

2. Attached as Exhibit 1 is a true and accurate copy of excerpts taken from the January 28th, 2009 deposition of Fred T. Heinritz.

3. Attached as Exhibit 2 is a true and accurate copy of excerpts taken from the April 7th, 2009 deposition of Dan McIntosh.

4. Attached as Exhibit 3 is a true and accurate copy of excerpts taken from the April 8th, 2009 deposition of Elbert F. McKinney.

5. Attached as Exhibit 4 is a true and accurate copy of excerpts taken from the April 20th, 2009 deposition of Ronald C. Jezerc.

6. Attached as Exhibit 5 is a true and accurate copy of excerpts taken from the April 24th, 2009 deposition of William J. Goetz.

7. Attached as Exhibit 6 is a true and accurate copy of excerpts taken from the June 30th, 2009 deposition of Helmut Schwab.

8. Attached as Exhibit 7 is a true and accurate copy of an April 2, 1999 NCR letter to Senator Trent Lott. Bates Number NCR-FOX-0524593.

9. Attached as Exhibit 8 is a true and accurate copy of Georgia-Pacific's December 19, 2008 First Set of Interrogatories and Requests for the Production of Documents to NCR.

I declare under the penalty of perjury under the laws of the United States and the State of Wisconsin that the foregoing is true and correct.

Executed at San Francisco, California on February 9, 2012.

/s/ Karl S. Lytz

Karl S. Lytz